

## **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

– against –

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. P. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

– against –

ABN AMRO BANK N.V. (presently known as  
THE ROYAL BANK OF SCOTLAND, N.V.),

Defendant.

Adv. P. No. 11-02760 (SMB)

**ORDER WITHDRAWING MEMORANDUM DECISION DENYING TRUSTEE’S  
MOTION FOR CERTIFICATION OF JUDGMENT FOR DIRECT APPEAL AND  
DIRECTING CLERK TO TRANSMIT THE BANKRUPTCY RECORD ON APPEAL**

**WHEREAS**, on October 6, 2011, plaintiff Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the estate of Bernard L. Madoff, individually, initiated the above-captioned adversary proceeding in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) by filing a Complaint against ABN AMRO Bank N.V. (presently known as The Royal

Bank of Scotland, N.V.) (the “Defendant”) and ABN AMRO Bank (Switzerland) AG (formerly known as ABN AMRO Bank (Schweiz)). *See Picard v. ABN AMRO Bank N.V.*, Adv. Pro. No. 11-02760 (SMB), ECF No. 1;<sup>1</sup>

**WHEREAS**, on November 22, 2016, this Court entered the Memorandum Decision Regarding Claims to Recover Foreign Subsequent Transfers, directing dismissal of the claim of against the Defendant. *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Secs. LLC (In re Madoff)*, No. 08-01789 (SMB), ECF No. 14495;

**WHEREAS**, on March 3, 2017, this Court entered the Stipulated Final Order Granting Motion to Dismiss Complaint (the “Judgment”). *Picard v. ABN AMRO Bank N.V.*, Adv. Pro. No. 11-02760 (SMB), ECF No. 74;

**WHEREAS**, on March 14, 2017, the Trustee filed a Notice of Appeal of the Judgment. *Id.*, ECF No. 75;

**WHEREAS**, on March 14, 2017, the Trustee filed a Notice of Trustee’s Request for Certification of Judgment for Direct Appeal to the United States Court of Appeals for the Second Circuit Pursuant to 28 U.S.C. § 158(d)(2) and Fed. R. Bankr. P. 8006(f) (the “Petition”) and a Memorandum of Law in Support of Trustee’s Request for Certification of Judgment for Direct Appeal to the United States Court of Appeals for the Second Circuit Pursuant to 28 U.S.C. § 158(d)(2) and Fed. R. Bankr. P. 8006(f). *Id.*, ECF Nos. 77, 78;

**WHEREAS**, on March 28, 2017, Defendant filed an Objection to the Motion and a Memorandum of Law in Opposition to Trustee’s Request for Certification of Judgment for Direct Appeal to the United States Court of Appeals for the Second Circuit Pursuant to 28 U.S.C. § 158(d)(2) and Fed. R. Bankr. P. 8006(f). *Id.*, ECF No. 83;

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<sup>1</sup> On May 13, 2013, the Trustee voluntarily dismissed ABN AMRO Bank (Switzerland) AG without prejudice from the above-captioned adversary proceeding. *Picard v. ABN AMRO Bank N.V.*, No. 11-02760 (SMB) (Bankr. S.D.N.Y.) ECF No. 14.

**WHEREAS**, on March 27, 2017, the Trustee filed a Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal pursuant to Federal Rule of Bankruptcy Procedure 8009(a). *Id.*, ECF No. 81;

**WHEREAS**, on March 29, 2017, this Court held a hearing on whether to grant the Trustee's Petition;

**WHEREAS**, on April 10, 2017, Defendant filed a Counter-Statement of the Issue to be Presented on Appeal and Counter Designation of an Additional Item to be Included in the Record on Appeal. *Id.*, ECF No. 84;

**WHEREAS**, on April 13, 2017, the Trustee and Defendant filed a Stipulation Supplementing Record on Appeal Pursuant to Fed. R. Bankr. P. 8009(e). *Id.*, ECF No. 85;

**WHEREAS**, as of April 14, 2017, and pursuant to Federal Rule of Bankruptcy Procedure 8006(b), the above-captioned adversary proceeding was no longer pending in this Court and was pending before the United States District Court for the Southern District of New York;

**WHEREAS**, on May 4, 2017, this Court entered the Memorandum Decision Denying Request to Certify Judgment for Direct Appeal to the United States Court of Appeals for the Second Circuit (the "Memorandum Decision") and directed the parties to submit an order settling the Memorandum Decision. *Id.*, ECF No. 88;

**WHEREAS**, on May 16, 2017, the Trustee filed a letter (the "Trustee's Letter") requesting this Court withdraw the Memorandum Decision for the reasons set forth therein. *Id.*, ECF No. [●];

**WHEREAS**, on May 16, 2017 the Defendant submitted a proposed order settling the Memorandum Decision. *Id.*, ECF No. [●]; [and]

[**WHEREAS**, on May [●], 2017, this Court held a hearing on whether to grant the relief requested in the Trustee's Letter;]

**NOW**, having considered the arguments and authorities set forth in the Trustee's Letter, it is hereby **ORDERED**:

1. The Memorandum Decision is hereby withdrawn and shall be stricken from the record as null and void.

2. The Clerk of the Bankruptcy Court shall promptly transmit the Notice of Appeal and record of the above-captioned adversary proceeding to the clerk of the United States District Court for the Southern District of New York pursuant to Fed. R. Bankr. P. 8003(d).

Dated: May [●], 2017  
New York, New York

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**HONORABLE STUART M. BERNSTEIN**  
**UNITED STATES BANKRUPTCY JUDGE**